



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

बुधवार, 28 सितम्बर, 2022 / 06 आश्विन, 1944

हिमाचल प्रदेश सरकार

LABOUR AND EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-2, the 9th April, 2021

No. Shram(A) 6-2/2020 (Awards) Dharamshala.—In exercise of the powers vested under section 17 (1) of the Industrial Disputes Act, 1947, the Governor Himachal Pradesh is pleased

to order the publication of awards of the following cases announced by the Presiding Officer, Labour Court Dharamshala on the website of the Printing and Stationery Department *i.e.* “e-Gazette” :—

Sl. No.	Ref. No.	Petitioner	Respondent	Date of Award/ Order
1.	79/19	Surinder Katoch	Employer, M.D. KK Hydro Power Ltd.	15-02-2021
2.	471/16	Balwant Singh	E.E. HPPWD, Nurpur & others	18-02-2021
3.	351/15	Dil Kumar	D.F.O. Wild Life Hamirpur	20-02-2021
4.	237/15	Lehar Singh	Secty. Drupten Padmo Jyepai Gatsal	23-02-2021

By order,
KAMLESH KUMAR PANT, IAS,
Principal Secretary (Lab. & Emp.).

IN THE COURT OF YOGESH JASWAL, PRESIDING JUDGE, LABOUR COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (HP)

Ref. No. : 79/2019
Date of Institution : 06-06-2019
Date of Decision : 15-02-2021

Shri Surinder Katoch s/o Late Shri Kripal Chand Katoch, r/o Village Jong, P.O. Katrain, Tehsil & District Kullu, H.P. . *Petitioner.*

Versus

The Employer/Managing Director, K.K.K. Hydro Power Limited, Baragran Road, P.O. Patlikuhal, Tehsil Manali, District Kullu, H.P. . *Respondent.*

Reference under Section 10 (1) of the Industrial Disputes Act, 1947

For the Petitioner : Sh. N.L. Kaundal, AR
For the Respondent : None

AWARD

The reference given below has been received from the appropriate Government for adjudication:

“Whether termination of services of Shri Surinder Katoch s/o Late Shri Kripal Chand Katoch, r/o Village Jong, P.O. Katrain, Tehsil & District Kullu, H.P. w.e.f. 26-05-2018 by the Employer/Managing Director, K.K.K. Hydro Power Limited, Baragran Road, P.O. Patlikuhal, Tehsil Manali, District Kullu, H.P., without complying with the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, what amount of back wages,

seniority, past service benefits and compensation the above worker is entitled to from the above employer?"

2. After that, a corrigendum reference dated 18th July, 2020 has been received from the appropriate Government, which reads thus:

"Whereas, a reference has been made to the Ld. Labour Court-cum-Industrial Tribunal, Kangra at Dharamshala, District Kangra, H.P. vide notification of even No. dated 25-05-2019 for legal adjudication. However, inadvertently the correct facts could not be mentioned about the date of termination of the claimant in the said notification. Therefore, the date of termination of the claimant may be read as "30-05-2018" instead of "26-05-2018 as alleged by workman".

3. The case is listed for further proceedings for today but, however, Shri N.L. Kaundal, Authorized Representative appearing for the petitioner has made the below given statement in the Court today:—

"Stated that I do not want to proceed further this case. Hence I withdraw this case on behalf of the petitioner".

RO&AC
Sd/-

PJ
Sd/-

4. In view of the above statement, this reference/claim petition is dismissed as withdrawn. Parties to bear their own costs.

5. The reference is answered in the aforesaid terms.

6. A copy of this Award be sent to the appropriate Government for necessary action at its end and the file after due completion be consigned to the Record Room.

Announced in the open Court today this 15th day of February, 2021

(YOGESH JASWAL),
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Kangra at Dharamshala, H.P.

IN THE COURT OF YOGESH JASWAL, PRESIDING JUDGE, LABOUR COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)

Ref. No. : 471/2016
Date of Institution : 20-8-2016
Date of Decision : 18-02-2021

Shri Balwant Singh s/o Shri Jamito Ram, r/o Village and Post Office Aundh, Tehsil Nurpur, District Kangra, H.P.Petitioner.

Versus

1. The Executive Engineer, H.P.P.W.D. Division, Nurpur, Tehsil Nurpur, District Kangra, H.P.
2. The Executive Engineer, H.P.P.W.D. Division, Jawali, Tehsil Nurpur, District Kangra, H.P. . Respondents.

Reference under Section 10 (1) of the Industrial Disputes Act, 1947

For the Petitioner : Sh. Mukul Vaid, Adv. Vice
 For the Respondent(s) : Sh. Anil Sharma, Dy. D.A.

AWARD

The reference given below has been received from the appropriate Government for adjudication:

“Whether alleged termination of services of Shri Balwant Singh s/o Shri Jamito Ram, r/o and Post Office Aundh, Tehsil Nurpur, District Kangra, H.P. during October, 1986 by (1) The Executive Engineer, H.P.P.W.D. Division, Nurpur, Tehsil Nurpur, District Kangra, H.P. (2) The Executive Engineer, H.P.P.W.D. Division, Jawali, Tehsil Nurpur, District Kangra, H.P., who had worked on daily wages and has raised his industrial dispute after more than 24 years vide demand notice dated-nil-received on 13-06-2011, without complying the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, keeping in view of delay of more than 24 years in raising the industrial dispute, what amount of back wages, seniority, past service benefits and compensation the above ex-worker is entitled to from the above employer/management?”

2. The case of the petitioner as it emerges from the statement of claim is that he was engaged by Himachal Pradesh Public Works Department on daily basis in the year 1985 in HPPWD Sub-Divisions-I and II, Nurpur and had worked as such till the year 1990. He had worked for 240 days in twelve calendar months from the date of his retrenchment. HPPWD Division Nurpur was involved in the construction and maintenance of roads, buildings and bridges, besides the repair and maintenance of tools and plants etc. and the patch work of metalled roads. The petitioner had worked for the preparation of roads with many juniors retained by the employer and also with the re-engaged employees as detailed in para no.3 of the petition. The mates of the petitioner were S/Sh. Hans Raj and Swaroop Singh. More than 1000 workers were engaged for a number of years by HPPWD Division Nurpur and in the year 1990 a pick and choose policy was adopted and the petitioner alongwith some other daily waged workers were retrenched on the false assurance that they would be retained after some time, declaring them surplus. Respondent no.1 had illegally terminated/retrenched the services of the petitioner in the year 1990 and the juniors mentioned in para 3 of the petition were re-engaged on 25-5-2010. After his oral termination, many verbal requests were made by the petitioner to the department and he was being given the assurance that he would be engaged after three or four months. When nothing was heard from the side of the department, the petitioner had communicated in writing for his re-engagement on daily wage basis, but without success. The action of the employer in orally terminating the services of the petitioner is violative of the provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as ‘the Act’ for short). No notice was served upon him. The provisions of Sections 25-G, 25-H and 25-N of the Act have also been violated. The petitioner is having no source of income and is unemployed since his disengagement, hence he is entitled to full back wages, as his termination/retrenchment is illegal and arbitrary. The petitioner, thus, prays for his re-engagement with all consequential benefits.

3. On notice, the respondents appeared. They filed a joint reply taking preliminary objections regarding lack of maintainability and that the petition was bad on the grounds of delay and laches. The contents of the petition were denied on merits. It is denied that the petitioner was engaged as a beldar in the year 1985 in HPPWD Division, Nurpur and had been disengaged by the respondents in the year 1990. It is alleged that the services of the petitioner had been engaged as a beldar in the year 1986 in HPPWD Sub-Division Suliali, Division Jassur and that he had worked intermittently upto October, 1986. The petitioner had not completed 240 days in any calendar year. He had left the job of his own sweet will and had never approached the department. It is claimed that HPPWD Division Jassur was shifted/re-named as HPPWD Division Jawali *vide* H.P. Government Notification No. PBW-(A)-A (I) 17/1994 dated 21st July, 1994. It is denied that respondent no.1 had re-engaged workers on 25-5-2010. Infact workers were re-engaged by the respondents as per the orders of the Hon'ble High Court. It is admitted that HPPWD Divisions Nurpur and Jawali are involved in the construction and maintenance of roads, buildings and bridges, repair and maintenance of tools and plants etc. It is denied that a pick and choose policy had been adopted by the respondents. No junior has been retained or engaged by the respondents, so there is no violation of the provisions of Sections 25-G and 25-H of the Act. It is denied that the petitioner had made various requests and that assurances had been given to him by the respondents. After leaving the work in October, 1986, the petitioner had never approached the respondents and had raised the demand notice only in the year 2011, *i.e.* after about 21 years. The respondents, thus, pray for the dismissal of the claim.

4. While filing the rejoinder the petitioner controverted the averments made in the reply and reiterated those in the statement of claim.

5. Out of the pleadings of the parties, the following issues were settled for determination and adjudication by the Court *vide* order dated 24-3-2018:

1. Whether termination of services of the petitioner by the respondents during October, 1986 is/was illegal and unjustified as alleged? . . .*OPP.*
2. If issue No.1 is proved in affirmative to what service benefits the petitioner is entitled to? . . .*OPP.*
3. Whether the claim petition is not maintainable in the present form? . . .*OPR.*
4. Whether the claim petition is bad on the ground of delay and laches as alleged. If so, its effect? . . .*OPR.*

Relief.

6. Thereafter, the parties to the lis were directed to adduce evidence in support of the issues so framed.

7. Arguments of the learned counsel for the petitioner and the learned Deputy District Attorney for the respondents heard and records gone through.

8. For the reasons to be recorded hereinafter while discussing the issues for determination, my findings thereon are as under:

<i>Issue No. 1</i>	:	Decided accordingly
<i>Issue No. 2</i>	:	Negative
<i>Issue No. 3</i>	:	Yes

Issue No. 4 : Not pressed
Relief : Claim petition dismissed *vide* operative portion of the Award.

REASONS FOR FINDINGS

ISSUES NO.1 and 2

9. Both these issues are intrinsically connected with each other and required common appreciation of evidence, hence are taken together for the purpose of determination and adjudication.

10. The petitioner, namely, Shri Balwant Singh examined himself as PW1 and filed his affidavit in evidence, which is exhibited as Ex. PW1/A. In his affidavit, he reiterated the contents of his statement of claim. He also filed certain documents purportedly in support of his claim, which are exhibited as Ex. PW1/B to Ex. PW1/H and Mark-1 to Mark-47.

In the cross-examination, he admitted that before the year 1994, HPPWD Division was at Jassur. He admitted that HPPWD Division Jawali was established on 21st July, 1994 *vide* government notification no. PBW-(A)-A(1)17/94. He denied that he had not worked with the respondents. Volunteered that, he had worked regularly from the year 1985 upto the year 1990. He denied that in between the years 1985 to 1990, he had only worked in the months of August, September and October, 1986. He denied that the department had never removed him from work. It was also denied by him that no juniors to him had been kept. He feigned ignorance that Smt. Kusum Lata was appointed as a daily waged beldar in HPPWD Division Dalhousie in the year 1983. He denied that he had never worked for 240 days and above in any year. However, he admitted that he owns land, which he cultivates. He also admitted that he is doing the days' drudgery privately. Self stated that, as and when the work is available. He denied that he was never disengaged by the respondents/department.

11. PW2 Shri Sukar Deen testified that he had worked as beldar from the year 1986 upto the year 2016 in HPPWD Division, Nurpur. He knows the petitioner, who had also been working with them in the department. He denied in the cross-examination that the petitioner had never worked in the department.

12. PW3 Shri Harnam Singh stated that he was engaged in the year 1986 as a Mate in HPPWD Division, Nurpur. He was removed by the department in the year 1990, when he had obtained a stay from the H.P. Administrative Tribunal. Thereafter, he was again kept at work. He knows the petitioner, who had also worked with them in the department. He was also a member of their union. In the cross-examination, he was categorical that the petitioner had never worked with him. Volunteered that, he had worked in the other section.

13. Conversely, Shri Dinesh Kumar Dhiman, Executive Engineer, HPPWD, Division Nurpur (respondent no.1) testified as RW1. In his affidavit Ex. RW1/A preferred as per Order 18 Rule 4 of the Code of Civil Procedure, he corroborated on oath the contents of the reply filed by him.

14. In the cross-examination, he admitted that when the workers had been removed from HPPWD Division, Nurpur in the year 1990, he was not working in any capacity in this Division. He also admitted that in HPPWD Nurpur the works of road repair, maintenance, patch work and widening are done continuously. He admitted that the work increases during the monsoons. He further admitted that the persons named in para 3 of the claim petition, in para 2 of the affidavit of the petitioner and as shown in Ex. RW1/D are still working with HPPWD Division, Nurpur. He

cannot say that when 24 workers were removed, any notice under Section 25-F was issued or not. Self stated that, they had left the work of their own. No other worker had been kept at work after 29-11-2010, except for those shown in Ex. RW1/D. He denied that wrong mandays of the petitioner has been given.

15. Ex. RW1/B is the copy of notification dated 21st July, 1994 with regard to shifting of HPPWD Division Jassur to Jawali along-with sanctioned strength and staff.

16. Ex. RW1/C is the copy of Office Order dated 23-7-1994 regarding the closure of HPPWD Jassur Division at Nurpur and its functioning at Jawali, HPPWD Jawali Division.

17. Ex. RW1/D is the copy of another Office Order dated 29-11-2010 with regard to implementation of the award of this Court dated 22-12-2007.

18. Ex. RW1/E is the copy of letter dated 19-8-1998 regarding posting of Smt. Kusum Sharma as daily waged store clerk.

19. Ex. RW1/F is the copy of letter dated 18-12-1999 regarding representation of Smt. Kusum Lata.

20. Ex. RW1/G is the copy of letter dated 18-1-2000 written by the Engineer-in-Chief HPPWD Shimla to The Superintending Engineer, 9th Circle, H.P. HPPWD, Nurpur relating to the engagement of Store Clerk on daily waged basis.

21. Ex. RW1/H is the copy of mandays chart pertaining to the petitioner.

22. Ex. RW1/I is the copy of working days chart of Smt. Kusum Lata working under Banikhet Sub-Division HPPWD Banikhet.

23. Ex. RW1/J is the copy of working days chart of Smt. Kusum Sharma working under Suliali Sub Division HPPWD Suliali.

24. The version of the petitioner is that his services were engaged as a daily waged beldar by the respondents in the year 1985 and that he had worked as such upto the year 1990. The respondents took the stand that the petitioner had been engaged as a daily waged beldar in HPPWD Sub-Division Suliali *w.e.f.* August, 1986 and that he had worked intermittently upto October, 1986. The petitioner denied this case of the respondents. He while under cross-examination categorically denied that he had only worked for the months of August, September and October, 1986 in the department. However, the respondents have placed and proved on record the mandays chart pertaining to the petitioner as Ex. RW1/H. Its perusal discloses that the services of the petitioner were engaged by respondent no.2 in the month of August, 1986 for the first time as a daily waged beldar. The claimant/petitioner has not placed and exhibited on record any document to show that he had been engaged by the department in the year 1985.

25. Now comes the question as to whether in the month of October, 1986, the services of the petitioner were finally terminated by the respondents or not?

26. As per the reference received from the appropriate Government, the services of the petitioner stood finally terminated during October, 1986. Section 10 (4) of the Act mandates that the Labour Court/Industrial Tribunal shall confine its adjudication to the points of dispute referred to it by the appropriate Government and the matters incidental thereto. No reference has been received from the appropriate Government regarding the alleged final termination of the services of

the petitioner by the respondents in the year 1990. However, looking to the statement of claim and the sworn testimony of the petitioner, it is apparent that he has claimed that his services had been finally terminated by the respondents in the year 1990. Such pleadings and evidence of the petitioner cannot be looked into by this Court, being beyond the terms of the reference. Then, as per the mandays chart filed on 14th August, 2019, the petitioner is shown to have worked intermittently with the department till the month of May, 1990. Since, it has not been pleaded nor stated by the petitioner that his services stood terminated by the respondents in the month of October, 1986, therefore, the question of final termination of his services by the respondents (as per the reference) does not arise. Rather, the same has become insignificant.

27. Such being the situation, I have no hesitation to conclude that the services of the petitioner were not finally terminated by the respondents during the month of October, 1986. He is not entitled to any relief.

28. Issue no.1 is decided accordingly and issue no.2 is answered in the negative and against the petitioner.

ISSUE NO. 3

29. Taking into account my findings on issues no. 1 and 2 above, it is held that neither the petitioner has the cause of action nor the locus standi to sue. The claim petition is not maintainable in the present form. The same is frivolous and vexatious. The claim petition has been instituted by the petitioner with a malafide intention to derive undue advantage(s). This issue is decided in the affirmative and in favour of the respondents.

ISSUE NO. 4

30. Not pressed.

RELIEF

31. In the light of what has been discussed hereinabove, while recording the findings on issues supra, the present claim petition merits dismissal and is accordingly dismissed, with no order as to costs. The reference is answered in the aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette and the file after due completion be consigned to the Record Room.

Announced in the open Court today this 18th day of February, 2021

(YOGESH JASWAL),
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Kangra at Dharamshala, H.P.

IN THE COURT OF YOGESH JASWAL, PRESIDING JUDGE, LABOUR COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (HP)

Ref. No. : 351/2015
Date of Institution : 05-8-2015
Date of Decision : 20-02-2021

Shri Dil Kumar s/o Shri Salig Ram, r/o Village Moch, P.O. Sunet, Tehsil Fatehpur, District Kangra, H.P. . *Petitioner.*

Versus

The Divisional Forest Officer, Wildlife Division Hamirpur, District Hamirpur, H.P.

. Respondent.

Reference under section 10 (1) of the Industrial Disputes Act, 1947.

For the Petitioner : Sh. Rajat Chaudhary, Adv. Vice

For the Respondent : Sh. Anil Sharma, Dy. D.A.

AWARD

The reference given below has been received from the appropriate Government for adjudication:

“Whether termination of the services of Shri Dil Kumar s/o Shri Salig Ram, r/o Village Moch, P.O. Sunet, Tehsil Fatehpur, District Kangra, H.P. during Janaury, 2014 by the Divisional Forest Officer, Wildlife Divison Hamirpur, District Hamirpur, H.P., without complying the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer?”

2. The case is listed for evidence of the petitioner but, however, Shri Rajat Chaudhary, Advocate appearing for the petitioner has made the below given statement in the Court today:—

“ब्यान किया कि उपरोक्त (Ref. No. 351/2015) में मुझे श्री सुन्दर सिंह सिप्पी जो कि इस केस में अधिकृत प्रतिनिधि हैं ने उक्त केस को वापिस लेने के लिए अधिकृत किया है अतः मैं उक्त केस को वापिस लेता हूँ, इसे दाखिल दफ्तर किया जावे।”

RO&AC

PJ

Sd/-

Sd/-

3. In view of the above statement, this reference/claim petition is dismissed as withdrawn. Parties to bear their own costs.

4. The reference is answered in the aforesaid terms.

5. A copy of this Award be sent to the appropriate Government for necessary action at its end and the file after due completion be consigned to the Record Room.

Announced in the open Court today this 20th day of February, 2021.

(YOGESH JASWAL),
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Kangra at Dharamshala, H.P.

IN THE COURT OF YOGESH JASWAL, PRESIDING JUDGE, LABOUR COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (HP)

Ref. No. : 237/2015
 Date of Institution : 10-6-2015
 Date of Decision : 23-02-2021

Shri Lehar Singh s/o Shri Chatter Singh, r/o Village Dhar Soldha, Tehsil Jawali, District Kangra, H.P. . *Petitioner.*

Versus

The Secretary, the Drubten Padmo Jyeypai Gatsal, Trilokpur Bhatoli, P.O. Soldha, Tehsil Jawali, District Kangra, H.P. . *Respondent.*

Reference under Section 10 (1) of the Industrial Disputes Act, 1947

For the Petitioner : Sh. Pushkar Sharma, Adv.
 For the Respondent : Smt. Savita Chauhan, Adv.

AWARD

The reference given below has been received from the appropriate Government for adjudication:

“Whether termination of the services of Shri Lehar Singh, s/o Shri Chatter Singh, r/o Village Dhar Soldha, Tehsil Jawali, District Kangra, H.P. during March, 2008 who has alleged that he was employed as Chowkidar by the Secretary, The Drubten Padmo Jyeypai Gatsal, Trilokpur Bhatoli, P.O. Soldha, Tehsil Jawali, District Kangra, H.P., without complying with the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer?”

2. The case of the petitioner as it emerges from the statement of claim is that he was appointed as a chowkidar by the respondent in the month of July, 1999 and he had worked to the satisfaction of the respondent. He was initially paid a sum of Rs.1200/- per month, however, after two years, the same was enhanced to Rs.1800/-. Thereafter, his pay was increased upto Rs.2400/- per month. He had completed 240 days in each calendar year. On 31-3-2008, his services were terminated by the respondent without any reason and without issuing any notice as required under the provisions of the Industrial Disputes Act, 1947 (hereinafter referred to as ‘the Act’ for short). No notice of termination had ever been issued to the petitioner. The work and conduct of the petitioner was very good. Despite sufficient work, the services of the petitioner had been terminated. His termination was illegal and void ab-initio. He issued demand notice. State Government after the receipt of the failure report from the Conciliation Officer, made the present reference to this Court. The service of the petitioner had orally been terminated which was totally illegal, unconstitutional, malafide, arbitrary and was not sustainable in the eyes of law. The respondent had violated the provisions of Sections 25-F and 25-N of the Act. The petitioner, thus, prays for his re-engagement with all consequential benefits.

3. On notice, the respondent appeared. She filed a reply taking preliminary objections regarding lack of maintainability, jurisdiction and that the petitioner has not come to the Court with clean hands. The contents of the petition were denied on merits. It was asserted that the petitioner

had never been engaged as a chowkidar by the respondent in the closed monastery. He was engaged by Bhikshuni Karma Tsultrim only to look after three-four cows. The said monastery was a charitable institution. Bhikshuni Karma Tsultrim expired on 15-12-2012. The petitioner was a casual worker in the monastery. The work of charitable institution was being done by the Bhikshunis (nuns) who resided therein. There were only 4-5 nuns in the Drubeten Pedmo Monastery, which was closed in the year 2013. As the petitioner was not a workman, there was no question of issuing any notice to him by the monastery. It was asserted that in the Karma Drubgyu Thargay Ling Nunnery, Triokpur there is only one lady, namely Ms. Kamlesh, who prepares food for the nuns of the nunnery and that all other works of nunnery are being done by the nuns themselves. The petitioner had not completed 240 days in any calendar year. He is doing a private job since long and as such was gainfully employed. The respondent, thus, prays for the dismissal of the claim.

4. While filing the rejoinder the petitioner controverted the averments made in the reply and reiterated those in the statement of claim.

5. Out of the pleadings of the parties, the following issues were settled for determination and adjudication by this Court *vide* order dated 30-4-2016:

1. Whether termination of the services of the petitioner by the respondent during March, 2008 is/was improper and unjustified as alleged? . . . *OPP.*
2. If issue no.1 is proved in affirmative, to what service benefits the petitioner is entitled to? . . . *OPP.*
3. Whether the claim petition is not maintainable in the present form as alleged? . . . *OPR.*
4. Whether the petitioner has not come to the Court with clean hands as alleged. If so, its effect? . . . *OPR.*
5. Whether this Court has no jurisdiction to entertain the present case as alleged? . . . *OPR.*

Relief.

6. Thereafter, the parties to the lis were directed to adduce evidence in support of the issues so framed.

7. Arguments of the learned Counsel for the parties heard and records gone through.

8. For the reasons to be recorded hereinafter while discussing the issues for determination, my findings thereon are as under:

<i>Issue No.1</i>	:	Yes
<i>Issue No.2</i>	:	Re-engagement with seniority and continuity in service from 31-3-2008, except back wages.
<i>Issue No.3</i>	:	No
<i>Issue No.4</i>	:	Not pressed
<i>Issue No.5</i>	:	No
<i>Relief</i>	:	Petition is partly allowed as per the operative part of the Award.

REASONS FOR FINDINGS**ISSUES No.1, 2 and 5**

9. It would be apposite to first and foremost take up the aforesaid three issues jointly as the respondent has strenuously urged that this Court does not have jurisdiction to entertain the reference as the respondent is a monastery created for a public purpose of Charitable nature. It is, thus, not an “industry” and further that the petitioner is not a workman under the provisions of the Act.

10. The learned vice counsel for the respondent has also vociferously urged that being a charitable institution, the respondent could not be termed to be an “industry”. Per contra the learned vice counsel for the petitioner contends that even a charitable institution falls within the definition of the word “industry” and merely on this count it cannot be said that this Court has no jurisdiction qua the present lis. The learned counsel in this behalf elicited support from the judgment of the Hon’ble Supreme Court titled as *Bangalore Water Supply and Sewerage Board vs. A. Rajappa & Ors. (1978) 2 Supreme Court Cases 213*.

11. Adverting to the aforesaid contentions so raised by the parties suffice it to say that it is itself admitted in the pleadings and the evidence by the respondent that it is a charitable institution and the Hon’ble Supreme Court in *Bangalore Water Supply & Sewerage Board’s case (supra)* has held that definition of an “industry” as interpreted in the said judgment would include charitable trusts, as well. The said judgment still holds good. The judgment in *Union of India vs. Shree Gajanan Maharaj Sansthan, (2002 LLR 711)* shows that after the *Bangalore Water Supply Works* judgment the legislature in its wisdom had sought to take it out of the purview of “industry” by amending Section 1 (2) (c) by way of an amendment. (The Industrial Disputes (Amendment) Act, 1982). However except clause (c) all clauses of the amending Act were enforced by the Central Government. It is thus clear that the charitable organizations, hospitals, schools and temples were however left within the purview of “industry”, as defined under the Act. The amendment sought to be brought in by incorporating Section 1(2)(c) never came to be enforced by the Central Government. It, thus, cannot be said that merely by being a charitable institution the respondent would not fall within the ambit and scope of word “industry”, as defined under the Act.

12. It is further urged by the respondent that the petitioner also does not fall within the definition of a “workman”. The learned vice counsel for the respondent further contends that in view of the provisions of Section 92 of the Code of Civil Procedure the present reference is also not maintainable.

13. I am afraid the contention so raised by the learned vice counsel is not sustainable. It is by now fairly well settled that the definition of “workman” as given in Section 2(s) of the Act has been interpreted in the most wide terms. Even otherwise the import of the provisions itself is wide ranging. It has been defined in such a way to include any person doing any manual, unskilled, skilled, technical, operational, clerical or supervisory work. Once a person is engaged for hire or reward, oblivious of the fact that whether the terms of employment are expressed or implied a person would fall within the parameters of a “workman” atleast for the purposes of this Act. Even if a person is working on contract it cannot be said that he does not fall within the definition of a “workman”. It could be that being a contractual employee his disengagement may not fall within the definition of “retrenchment”, but the same would be dependent upon the requirements of the Sub-Section (bb) of the provisions of Section 2 (oo) of the Act. However, merely being a contractual employee does not mean that a person will not fall within the definition of “workman”. There are a catena of cases decided by various High Courts wherein a chowkidar has been held to be a “workman”. The contention of the learned vice counsel for the respondent that in view of

Section 92 of the Code of Civil Procedure the present reference is not maintainable also cannot be countenanced. First and foremost the provisions of Section 92 do not bar the proceedings of the present nature *i.e.* any dispute or difference arising between an employer and an employee. Section 92 itself provides for situations where a trust can obtain a decree from a Civil Court. The grounds thereof have been illustrated in Sub-Section (1) itself. The dispute between an employer and an employee is not in the list so provided in Sub-Section (1). Even otherwise in relation to a “industrial dispute” a complete mechanism has already been put in place and as such Section 92 of the Code of Civil Procedure otherwise will have no over riding effect on the provisions of this Act.

14. I am, thus, constrained to hold that this Court has the jurisdiction to entertain the reference. The respondent being a charitable institution still falls within the parameters of the word “industry” as defined under the Act and the petitioner is a workman as per the provisions of Section 2(s) of the Act.

15. Now adverting to the core question regarding the disengagement of the petitioner. It is the simple case of the respondent that the petitioner was engaged as a casual worker in the monastery. However, the respondent has not placed on the file any document evidencing that the petitioner was kept as a casual worker in the monastery. RW1 Sherab Palmo while under cross-examination was categorical that the petitioner had worked continuously from July, 1999 to 31-3-2008 with the respondent. A person working continuously for such a long span of time cannot be termed as a casual worker. Even otherwise, the petitioner specifically averred in his pleadings and evidence that he had been engaged as a chowkidar by the respondent. When the cross-examinations of the petitioner and his witness PW2 Prithi Singh are seen, nothing has been extracted so as to dislodge them on this count.

16. The evidence of the petitioner on record shows that on 31-3-2008 his services had been disengaged by the respondent without issuing any notice as provided under Section 25-F of the Act.

17. Section 25-B of the Act defines “continuous service”. In terms of Sub-Section (2) of Section 25-B that if a workman during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer 240 days within a period of one year, he will be deemed to be in continuous service. The burden of proof is on the petitioner to show that he had worked for 240 days in the preceding twelve calendar months prior to his alleged retrenchment. In ***R.M. Yellatty vs. Assistant Executive Engineer, (2006) 1 SCC 106***, it has been laid by the Hon’ble Supreme Court that the burden of proof is on the claimant to show that he had worked for 240 days in a given year.

18. Applying the principles laid down in the above case by the Hon’ble Supreme Court, it was required of the petitioner to establish on record that he had worked continuously for a period of 240 days in a block of twelve calendar months anterior to the date of his alleged termination, which as per the reference took place in the month of March, 2008. There is no denial of the fact that no mandays chart of the petitioner is there on the file to establish that he had worked continuously for a period of 240 days in a block of twelve calendar months prior to the date of his alleged termination, as envisaged under Section 25-B of the Act. It is equally settled that admission is the best piece of evidence and facts admitted need not be proved. As already mentioned, the own witness of the respondent, namely, RW1 Sherab Palmo has categorically admitted that the petitioner had continuously worked with the respondent from July, 1999 to 31-3-2008. Meaning thereby that the petitioner had completed 240 days of work in a block of twelve calendar months preceding the date/month of his termination *i.e.* March, 2008 (as per the reference).

19. Section 25-F of the Act postulates as under:—

“25-F. Conditions precedent to retrenchment of workmen.- No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

- (a) *the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:*
- (b) *the workman has been paid, at the time of retrenchment compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months; and*
- (c) *notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette."*

20. There is not an iota of evidence on record to show that one month's notice in writing indicating the reasons for retrenchment of the petitioner/workman had been given and that he had been paid the compensation at the time of his retrenchment, as envisaged under Section 25-F of the Act. RW1 Sherab Palmo and RW2 Swaroop Krishan nowhere stated in their substantive evidence that any notice of retrenchment had been given to the petitioner. It is also not their evidence that any retrenchment compensation had been paid to the petitioner. For these reasons, the final termination of the services of the petitioner by the respondent *w.e.f.* 31-3-2008 is patently wrong and incorrect.

21. It is not the case of the petitioner that at the time of his termination any person junior to him was retained in service by the respondent. It is also not his case that after his disengagement new/fresh hands have been engaged by the respondent. Therefore, the provisions of Sections 25-G and 25-H of the Act are not attracted in this case.

22. However, the petitioner's allegation that the respondent had violated the provisions of Section 25-N of the Act as well, to my mind, does not appear to have been substantiated for want of plausible evidence.

23. It is, thus, held that the disengagement of the petitioner was illegal and against the mandate of the provisions of Section 25-F of the Act. The termination of the petitioner is, thus, set aside and quashed. The respondent is directed to re-engage the petitioner forthwith on the same post. The petitioner shall be entitled to seniority and continuity in service from the date of his disengagement. Per the peculiar circumstances discussed, the petitioner shall not be entitled to any back wages. Issues no. 1 and 2 are accordingly decided partly in favour of the petitioner, while issue no.5 is decided against the respondent.

ISSUE No. 3

24. It has not been shown by the respondent as to how the present petition/statement of claim is not maintainable. Moreover, this issue was not pressed for by the learned vice counsel appearing for the respondent at the time of arguments. Otherwise also, from the pleadings and evidence on record, it cannot be said that the petition/statement of claim is not maintainable. Hence, this issue is decided against the respondent.

ISSUE No. 4

25. Not pressed.

RELIEF

26. For the foregoing reasons discussed hereinabove, the reference is allowed partly. The termination of the petitioner is set aside and quashed. The respondent is directed to re-engage the

petitioner forthwith. The petitioner shall be entitled to seniority and continuity in service from the date of his illegal termination, *except back wages*. The reference is answered in the aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette and the file after due completion be consigned to the Record Room.

Announced in the open Court today this 23rd day of February, 2021

(YOGESH JASWAL),
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Kangra at Dharamshala, H.P.

MUNICIPAL CORPORATION PALAMPUR (PROPERTY TAXATION) BYE-LAWS-2022

NOTIFICATION

Dated, the 22nd September, 2022

No. MCP/2022.—The following bye-laws made by Municipal Corporation Palampur, for regulating the property taxation in exercise of the powers conferred by Section 395 of the Himachal Pradesh Municipal Corporation Act 1994 (Act No. 12 of 1994) having been confirmed by State enforcement, as required under Section 395 of the Himachal Pradesh Municipal Corporation Act 1994 are hereby published for the general information.

Whereas the objections and suggestions received within 30 days period will be considered and decided by **the Commissioner, Municipal Corporation Palampur**. Now, therefore in exercise of powers conferred by section 395 of Himachal Pradesh Municipal Act, 1994 (Act No. 12 of 1994), **the Municipal Corporation Palampur** (Property Taxation) BYE-LAWS 2022 are hereby notified and published in e-Rajpatra H.P. for cleaning objection and suggestions for information of general public as follows:—

1. Short title and commencement.—(i) These Bye-laws may be called the Municipal Corporation Palampur (Property-Taxation) Bye-laws-2022.

(ii) These Bye-laws shall come into force from the date of their publication in the e-Rajpatra (e-Gazette) Himachal Pradesh.

2. Definitions.—In These Bye-laws unless the context otherwise require:—

- i. **‘Act’** means the Himachal Pradesh Municipal Corporation Act 1994 (Act No.12 of 1994) read with its amendment carried out *vide* H.P. Municipal Corporation (Amendment) Act No. 32 of 2011.
- ii. **‘Appellate Authority’** means an authority prescribed under Section 132 of the Act.
- iii. **‘Assessment list’** means the list of all units of the lands and building assessable to property tax under the provisions of the H.P. Municipal Corporation Act, 1994.
- iv. **‘Assessment year’** means the year commencing from the first day of April to 31st day of March of succeeding year.

- v. **‘Bye-Laws’** means the Municipal Corporation Palampur (Property Taxation) Bye-Laws, 2022 made under the Himachal Pradesh Municipal Corporation Act, 1994 and notified in the official gazette.
- vi. **‘Competent authority’** means Commissioner, Municipal Corporation Palampur.
- vii. **‘Corporation’** means the Municipal Corporation Palampur.
- viii. **‘Section’** means the Section of the Act.
- ix. **‘Ratable value’** as defined in Section 88 of the Act and procedure as prescribed under these Bye-laws.
- x. **‘Unit’** means a specific portion of the land and building in use and occupation of the owner(s) or occupier (s) including vacant land and built up portion of the building. This will not include setbacks area of building agricultural lands and land in notified green belt as notified under the Interim Development Plan of Palampur Planning Area.
- xi. **‘Unit Area’** means area of a unit in square meters.
- xii. **‘Unit area tax’** means property tax on unit(s) of lands & buildings which shall be charged per annum between one percent to twenty-five percent as may be determined on the basis of ratable value of unit(s) land & buildings by the Corporation from time to time. All other words and expressions used herein but not defined shall have the same meaning respectively as assigned to them in the Act.
- xiii. **Green building:**—(Also known as green construction or sustainable building) refers to both a structure and the application of processes that are environmentally responsible and resource-efficient throughout a building’s life-cycle: from planning to design, construction, operation, maintenance, renovation and demolition.

3. Assessment list what to contain.—The Commissioner shall keep a book to be called the “Assessment List” in which the following shall be entered in FORM-A appended to these Bye-laws:—

- i. A List of all units of the lands and buildings located within the jurisdiction of Palampur Municipal Corporation, distinguishing each, either by name or number and containing such particulars regarding the location or nature of each, which shall be sufficient for identification thereof;
- ii. The ratable value of each unit of the lands and buildings;
- iii. The name of the person primarily liable for payment of property tax and ratable value as well as property tax demand on his/her unit of land and building.
- iv. If any such unit of a land or a building is not liable to be assessed to the property tax the reason for such non-liability; and.
- v. Other details if any as the Commissioner may from time to time think fit.

Explanation:—(i) For the purpose of clause (b) the ratable value of unit(s) of land will be the ratable value of unit(s) of the land and in the case of unit(s) of the building, the ratable value will include the ratable value of the land and the unit(s) of the building rejected thereon.

(ii) For the purpose of charging property tax on a unit of land, the unit of land shall be treated as “Land” till the completion plan of building is sanctioned by Palampur Municipal Corporation or by other competent authority of the State Government and such construction is put to use on the spot whichever occurs first. Accordingly, property tax shall be continued to be charged on the ratable value of the unit of land till such time treating it as “land”.

4. From the assessment list.—The assessment list shall be kept in the FORM-A here to the Commissioner may order to add, omit, amend or alter any of the columns of the Performa of the assessment list as and when required.

5. Procedure where name person primarily liable for property tax cannot be ascertained.—If the name of the person primarily liable for the payment of property tax in respect of any unit of any land or building cannot be ascertained, it shall be sufficient to designate him in the assessment list, property tax bill and in any notice which may be necessary to serve upon the said person under the Act, as “the holder of such unit of land or building without further description.

6. Inspection of assessment list.—If assessment list has been completed, the Commissioner shall give public notice thereof mentioning therein the place where assessment list or copy thereof may be inspected and every person claiming to be the owner or lessee or occupier of any unit(s) of any land or building included in the assessment list and any authorized agent of such person shall be at liberty to inspect the list and to file written objection within 30 days from the date of publication of such public notice in the local newspaper(s).

7. Register of objections.—The Commissioner shall keep a register of objections in which all objections received under sub-section (4) of Section 94 and sub-section (2) of Section 96 shall be entered. The register shall contain:—

- i. The name or number of the land or building in respect of which objection is received;
- ii. Name of the person primarily liable for the payment of property tax;
- iii. Name of the objector;
- iv. The ratable value finally fixed after enquiry and investigation of the objection by the Committee constituted in this behalf;
- v. The date from which the ratable value finally fixed has to come into force and
- vi. Such other details as the Commissioner may from time to time think fit.

8. Amendment of assessment list as per provisions of Section 96 and investigation and disposal of objections against such amendment.—(i) When any amendment is proposed to be made under the provisions of Section 96 such amendment will provisionally be made in the assessment list and the notice as required under sub-section (2) of Section 96 shall be served on the person affected by the amendment after affording him the opportunity to file objection, if any against the proposed amendment within 30 days from the date of receipt of such notice.

(ii) Objection shall be inquired into and investigated by the Committee constituted in this behalf under sub-section 5 of Section 94 of the Act after affording opportunity of being heard to the objector.

(iii) The assessment list shall be finally amended in accordance with the decisions made by the said committee.

(iv) If no objection is received or if the same are received but not within the time limit specified in this behalf in the notice, the assessment list shall be finally amended by confirming the provisional amendment made in the assessment list. However, for special reasons to be recorded in writing, the Committee constituted in this behalf may consider objections received after the expiry of the stipulated period.

(v) Property tax on the basis of the amended assessment list shall be due from the date specified in the assessment notice or from the date as may be decided by the Committee constituted in this behalf. Provided that the payment of property tax on the basis of the assessment list, as existing before such an amendment will not be withheld on the ground that some amendment is to be made in the list.

9. Payment of property taxes where to be made.—Every person who is liable to pay any of the property tax shall pay the same at the Head Officer of the Corporation or at such other place(s) and time as may be specified by the Commissioner. However, the payment of tax shall be made either by all debit, credit cards or cheque or through Bank Draft drawn in favour of the Commissioner, Municipal Corporation Palampur, payable at Palampur or through RTGS in the Bank Account of Municipal Corporation Palampur, declared for the said purpose by the Commissioner.

10. Demand of property tax to be raised annually by issuing one single bill for one unit of a property.—(i) Demand of property tax shall be raised annually by issuing a single property tax bill on FORM-B annexed to these Bye-laws for each unit of property. The service of bill shall be effected by hand through special messenger and in case owner of occupier upon whom the bill is to be served is living outside the Municipal limits, the bill shall be issued by post under certificate of posting or by registered/speed post. In case the owner or occupier avoids by hand service of the bill, the same shall be effected by affixing the bill in presence of one witnesses on the unit of the property to which the bill relates.

(ii) In case the owner or occupier upon whom the property tax bill has been served, fails to make payment of the property tax within the due date, the property tax shall be recovered by the Commissioner or by the officer/official authorized by him in this behalf by initiating appropriate process under the provisions of Sections 124 the Act:

Provided that nothing herein contained shall affect the liability of such person to any increased property tax which he may be assessed on account of the said unit of property owing to a revision of the ratable value.

11. Service of property tax bills and demand notices in respect of un-partitioned unit of property.—If an un-partitioned unit of a property is owned by more than one person, service of bill(s) and notice(s) of demand on any one co-owner shall be treated as service on all the owners.

12. Demand and collection.—(i) A register of demand & collection of property tax in FORM-F appended to these Bye-laws shall be maintained showing therein the figures of property tax demand, collection, rebate, remission adjustment, arrears, excess recoveries and such other particulars in relation to each unit of the property. This register will have kept either in the shape of hard copy or in the shape of soft copy or in both as the Commissioner may think fit.

(ii) The register may, if any, the Commissioner thinks fit be made in separate parts or volumes for such purposes and with such several designations as the Commissioner may determine.

(iii) The separate Register shall be maintained for recording information regarding detail of arrears for the previous years.

13. Circumstances not considered as vacancy of property.—For the purpose of Section 127 and 128 of Himachal Pradesh Municipal Corporation Act, 1994:—

(i) A unit of building or of a tenement reserved by the owner for his own occupation shall be deemed to be occupied, whether it is actually occupied by the owner or not.

(ii) Any unit of building or of a tenement used or intended to be used for the purpose of any industry which is seasonal in character shall not be deemed to be vacant merely on an account of its being unoccupied and unproductive of rent during such period or periods of the year in which seasonal operations are normally suspended.

14. Remission/refund not claimable unless notice of vacancy is given to the Commissioner every year.—When a vacancy continues from one year into the following year, no refund or remission of any property tax shall be claimable from the Corporation on an account of such continued vacancy unless notice thereof is given to the Commissioner within 60 days from the commencement of the next financial year.

15. Inspection by Municipal Staff of the vacant unit of the property.—If any owner or occupier does not allow or facilitate the inspection by the authorized Corporation staff of any unit of the property claimed by him to be vacant, the Commissioner may refuse to treat such unit of building or tenement, as the case may be, as vacant till the day such inspection is made, and the vacancy of the unit of property is verified.

16. Copies of property tax bill(s).—The Commissioner may, on a request in writing from the owner of any unit of land or Building or any other person primarily liable to pay property tax in respect thereof, give a copy or copies of any bill/bills for any property tax on payment of such fee as may be fixed by the Commissioner from time to time.

17. Notice of transfer of title.—The notice regarding transfer of title of any unit of any property required to be given under section 98 shall be either in **FORM-C** or in **FORM-D** annexed to these Bye-laws, as the case may be, and shall state clearly and correctly all the particulars required in the said Form(s).

18. Property tax to be paid up to date.—No such notice as contained in Bye-laws 17 above shall be deemed to be validly given unless the property tax due upto the date of transfer of title of the unit of property is paid in full.

19. Filing of return by owner(s)/occupier(s).—The Commissioner may require any owner or occupier of a unit of land or building or of any portion thereof to furnish information or a written return in **FORM-E** appended to these Bye-laws. Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his/her knowledge or belief, within a period of thirty days from the service of such requisitions upon him/her.

20. Penalty for non-submission of return.—Whosoever omits to comply with any requisition under Bye-laws 19 of these Bye-laws or fails to give true information or to make a true return to the best of his/her knowledge or belief, shall in addition to any penalty under section 101 of the Act, be precluded from objecting to any assessment made by the Commissioner in respect of such unit of the lands or building of which he/she is the owner or occupier.

21. Inspection of tax record.—Every owner, lessee or occupier of a unit of land and building or authorized agent of any such person may, with the permission in writing of the

Commissioner or any officer/official authorized by him in this behalf inspect the tax record relating to the unit of the land/building of which is owner, lessee, agent or occupier free of charge during the office hours.

22. Location factor, characteristic and its value.—For the purpose of clause C of Section 88 of the Act, the location factor, characteristic and its values shall be as under:—

(i) Zoning of Municipal Corporation Palampur:—

Zone A— It includes all the old Municipal Corporation area & ward No's 1 (Lohna), 4 (Aima), 12 (Ghuggar Tanda), 10 (Maranda), 03 (Palampur Khas), 02 (Palampur Upparla) & 05 (Sugghar) of Palampur Municipal Corporation.

Zone B— Ward No's 14 (Banuri), 15 (Holta), 13 (Tanda), 11 (Rajpur), 07 (Bindraban), 09 (Chowki), 08 (Khalet) & 06 (Khildu Ghuggar). There are five factors which are relevant for determination of ratable value of lands & buildings.

(ii) Location Factors:—

(a) **For Zone –A** value per sq.mtr. . . 5.00

(b) **For Zone –B** value per sq.mtr. . . 3.00

23. Structural factor, characteristics and its value.—For the purpose of clause C of Section 88 of the Act, buildings shall be classified as Pucca, Semi-Pucca and Kutcha in the following manner:—

(i) **For Pucca** building value per sq. mtr. . . 2.00

(ii) **For Semi-Pucca** building, value per sq. mtr. . . 1.50

(iii) **For Kutcha**-building value per Sq.mtr. . . 1.00

24. Age factor and age-wise grouping and value of the building.—For the purpose of clause C of Section 88 of the Act, all the buildings shall be grouped age-wise having factor value as mentioned against each age group as under:—

Group	Building	Factor Value
A	Before 1947	1.00
B	1947 to 1980	2.00
C	1981 to 2000	2.50
D	2001 and beyond	3.00

25. Occupancy factor, characteristics and its value.—For the purpose of Clause C of Section 88 of the Act, the occupancy factor and its value shall be as under:—

(i) Value for residential occupancy:—

(a) Value for self-residential	(b) Value for Let out Residential
1.50	2.00

(ii) Value per Sq.mtr for non-residential occupancy,

A	B	C	D	E
Hotel above built up area of 1000 2000 sq. mtr., MNC Show Rooms and Restaurant	Hotel having built up area between to 1000 2000 Sq. mtr. and show room above 1000 sq. mtr	Other Hotels, Bars Restaurant, Banks,ATMs show rooms, Call Centre, Marriage Hall, Travel Agency, Mobile Towers, Coaching Centre	Shops, School, College, Educational Institutions, Offices, Hostel, Hospital, Theatre, Clubs, Paying Guest house (PGs), Guest House	Godowns, Dhaba, Stall and other Types of properties not covered under (A to D)
11	8	6	5	3

26. Use factor, characteristic and its value.— For the purpose of Clause C of Section 88 of the Act, the value of use factor and Characteristic of the unit(s) of Lands & buildings shall be as under:—

- (i) Residential . . 1.00/-
- (ii) Non-Residential . . 2.00/-

27. Method for calculation of ratable value and rate of property tax on the ratable value of the unit of lands and buildings.—Area (in Sq. mtrs.) of a unit multiplied by value of relevant factors of unit area method as mentioned above *vide* Clause 22 to 26 of these Bye Laws. The figure that will so come out, thereof shall be the net ratable value of unit and property tax shall be charged on that net rate able value at rate of 15 % in Zone A and 10% in Zone B for lands and in the case of buildings as under:—

A-Zone	B-Zone
<i>i.</i> For self-occupied residential properties measuring 1.0 Sq. mtrs. to 100 Sq. Mtrs. @ 3% P.A. on the ratable value.	<i>i.</i> For the occupied residential properties measuring 1.0 Sq. Mtrs. to 100 Sq. Mtrs. @ % P.A on the ratable value.
<i>ii.</i> For Self occupied residential properties measuring 101 Sq. mtrs. and above @ 6% P.A. on the ratable value.	<i>ii.</i> For self-occupied residential properties measuring 101 Sq. Mtrs. and above @ 4% on the ratable value.
<i>iii.</i> For non-residential properties @ 10% P.A on the ratable value	<i>iii.</i> For non-residential properties @ 5% P.A. on the ratable value.

28. Relaxation in property tax:

(a) Green Buildings:—With a view to promote green buildings a relaxation up to 50% shall be given in the property tax. The relaxation shall be accorded as per the following matrix:—

- (i) Design & construction of Green Building: 25% relaxation
- (ii) Operation & maintenance of Green Building: 20% relaxation
- (iii) Renovation/Addition/Alteration/Demolition: 5% relaxation

(b) In the interest of town design, promoting Green buildings, reducing carbon footprint or any other material consideration the Competent Authority, with prior approval of the house may change the above cited relaxations in (i) to (iii) above subject to a maximum up to 50% relaxation. The decision of the Competent Authority shall be final.

(c) No property tax shall be charged from BPL families & Cow Sheds.

29. Penalty.—If a person liable for payment of property tax does not pay the same within a period of one month from the service of tax bill, a person shall be liable for payment of interest as per Section 121 of the Act beside initiation of recovery proceeding as per the provisions of the Section 124 of the Act.

30. Repeal and savings.—The scheme, regulation or Bye-laws, if any heretofore relating to the mode of levy, calculation and assessment of property tax is hereby repealed. Anything done or any action taken under the said scheme, regulation or Bye-laws if any shall be deemed to have been done or taken under the provisions of these Bye-laws.

By order,

Sd/-

Commissioner,
Municipal Corporation Palampur.

FORM-A

(See Bye-Laws 4)

TAX DEPARTMENT ASSESSMENT LIST				
UPN-No. _____		I.D. No. _____		Zone _____
Unit	Area	Net Ratable Value	Property Tax Percentage	Amount of General Tax
Residential				
Let out Residential				
Commercial				
Plot of land				

DATE OF ASSESSEMENT				
Sl. No.	Name of Property	Name of Owner	Name of Tenant or Occupier	Remarks

Tax Department

Ph.No.01894-230895

FORM-B

(See Bye-Laws 10)

Property Tax Bill**Financial Year for the Year** _____ **Bill No.** _____**Dated** _____**Zone** _____ **Bill (s) Details** _____

UNP No. _____
ID No. _____
Name of Property _____
Name of Owner /Occupier _____
Correspondence Address _____
Due Date 15 days from the date of receipt of bill/ 18 days if by post from the date of dispatch of bill.

Unit	Area	Net Ratable Value	Property Tax Percentage	Amount of General Tax
Residential				
Let out Residential				
Commercial				
Plot of Land				

Detail of demand for Property Tax for the year _____ Period _____

Sl. No.	Description of Tax	Amount
1.	General Tax	
2.	(a) Rebate@10% (b) Remission	
3.	Previous Arrear Amount for the period	

4.	Interest Amount	
5.	Previous Credit	
6.	Amount Payable on due date	
7.	Amount Payable after due date	
8.	Amount still at credit	

Please pay bill before due date to avail 10% rebate.

Bill Prepared by Bill Checked by Additional Commissioner

Receipt

UNP _____	Bill No. _____	Bill
No. _____	Date _____	
ID _____	Amount before due date	
No. _____	Amount After due date	
Name _____	Amount paid _____	
of Owner/Occupier _____	Receipt No. _____	
	Dated _____	

Cashier, Palampur MC.

Term & Condition:—

1. The Municipal Corporation Treasury is open from 10.00 A.M. to 01.30 P.M. on all working days.
2. Cheques should be drawn in favour of Commissioner, Municipal Corporation Palampur.
3. Out stations cheques should be include the discount charged in such cheques.
4. Rebate @ 10% is given on the taxes claimed for the current year or a bill raised for the first time, if the amount specified in the bill is paid within 15 days from the presentation thereof. Bills sent under postal certificate shall be construed to have been received within three days from the date the posting and accordingly this rebate is given if payment of the bill is made within 18 days from the date of posting.
5. If the payment of the tax is not made within the financial years in which the bill is an interest @ 1% per month shall be payable after one month of the close of the financial year to which the bill relates.
6. The notice of demand/recovery of property tax will not confer any right on the person paying the tax or anyone else to claim validation of unauthorized at a later date and the same is without any prejudice to the rights of the Municipal Corporation Palampur to take any legal action including that of demolition in respect of such unauthorized construction/structure.

7. In case any of your payments have not been adjusted please do come with original receipts given by the Municipal Corporation Palampur.
8. Please always mention No./date, name of house and demand No. in all correspondence.
9. It is requested that this bill be presented while tendering payment

FORM –C

(See Bye Law 17)

Form of notice of transfer to be given which has taken place by way of instrument

To

The Commissioner,
Municipal Corporation Palampur.

I _____ s/o _____

r/o _____

hereby give notice as required by Section 98 of the H.P Municipal Corporation Act, 1994 (Act No.12 of 1994) of the following transfer of property:—

Description of Property

Name of address of person whose title has been transferred	Name & address of person to whom property title has been transferred	Detail of property	Area of the property	Account No./ID No. of old assesses	Remarks
1	2	3	4	5	6

Date _____

Name of Owner/Occupier _____

Address _____

Mob. No. _____

FORM-D

(See Bye Law 17)

Form of notice of Transfer to be given which has taken place otherwise than by instrument

To

The Commissioner,
Municipal Corporation Palampur.

I _____ s/o _____
r/o _____

hereby give notice as required by Section 98 of the H.P Municipal Corporation Act, 1994 (Act No.12 of 1994) of the following transfer of property:

Description of Property:—

Name of address of person whose title has been transferred	Name heir/successor to whom property title has been transferred	Detail of property	Area of the property	Account No./ID No. of old Assesses	Remarks
1	2	3	4	5	6

Date _____

Name of Owner/Occupier _____

Address _____

Mob. No. _____

FORM-E

(See Bye-Laws 19)

**(Tax liability form under section 99/101 of the Himachal Pradesh
Municipal Corporation Act, 1994)**

To

The Commissioner,
Municipal Corporation Palampur.

Subject.—Filling of return for assessment of properties for Municipal Taxes.

Sir/Madam,

I am submitting the detail of property known as
I.D. No. Ward No. Zone as under:—

Sl.	Unit	Area	Factor					Total ratable value	Maintenance & Repair Rebate @ 10% under section 88 or MC Act	Net ratable value	Remarks
			F1	F2	F3	F4	F5				
			F1	F2	F3	F4	F5	F1 to F5 (Multiply)			
1.	(a) Residential		5								
	(b) Let out residential		5								
2.	Non-Residential/ Commercial										
	(a) Hotel above built up area of 2000 sq.m.MNC Show Rooms and Restaurants.		5								
	(b) Hotel having built up area between 1000 to 2000 sq. m. and show room above 1000 sq. m.		5								
	(c) Other Hotels, Bars, Restaurant Banks, ATMs show rooms, call Centre, Marriage Hall, Travel Agency, Mobile Towers, Coaching Centre		5								
	(d) Shops, Schools, Colleges, Educational institutions, Offices, Hostel, Hospital, Theatre, Clubs, Paying Guest House(PGs) Guest House.		5								
	(e) Godowns, Dhaba, stall and other types of properties not covered under (a to e)		5								
3.	Plot of Land		5								

I hereby declare that the information furnished above is correct to the best of my knowledge or belief and that nothing has been concealed therefrom.

Date.....

Yours Faithfully,

(Signature)
Owner/Agent/Occupier.

Name in block letters.....

Address.....

Mob. No.....

*Verification of the Junior Engineer**Verification of the Additional Commissioner***Location factor/characteristics and its value:—**

- I. Number of zones; the entire old and merged Municipal area has been divided *i.e.* A&B zone.
- II. Location factor:

Structural factor, characteristics and its values (F2):—

- I. For Pucca-building value per Sq. mtr. =
- II. For semi-pucca building, value per sq. mtr. =
- III. For kutcha building, value per sq. mtr. =

Age factor and Age-wise grouping and value of the Building (F3):—

Group		Factor Value
A	Before 1947	
B	1947 to 1980	
C	1981 to 2000	
D	2001 and beyond	

Occupancy factor/ Characteristics and its Value (F4):—

- I. Value for residential occupancy:—

(a) Value for self-residential	(b) Value for Let out residential

- II. Value per Sq. mtr. for non-residential occupancy

A	B	C	D	E
Hotel above built up area of 2000 sq.m. MNC Show Rooms and Restaurants.	Hotel having built up are between 1000 to 2000 sq. m. and show room above 1000 sq.m.	Other Hotels, Bars, Restaurants, Banks, ATMs, Show Rooms, Call centre, Marriage Hall, Travel Agency, Mobile Towers Coaching Centre.	Shops, Schools, Colleges, Educational Institutions, Offices, Hostel, Hospital, Theatre, Clubs, Paying Guest House (PGs), Guest House	Godowns, Dhaba, Stall and Other Types of Properties not covered Under (A to D)

1. Location factor, characteristic and its value.—For the purpose of clause C of Section 88 of the Act, the location factor, characteristic and its values shall be as under:—

- (i) Zoning of Palampur town proposed as follows.—The entire Municipal area except new merged.

सामान्य प्रशासन विभाग

अनुभाग—ख

अधिसूचना

शिमला—2, 27 सितम्बर, 2022

संख्या: जीएडी-बी(ए) 1-5/2022.—हिमाचल प्रदेश के राज्यपाल की राय है कि लोकहित में ऐसा करना आवश्यक और समीचीन है कि उप-मण्डल (नागरिक) देहरा से तहसील रक्कड़ के तेरह पटवार वृत्तों और उप-तहसील, प्रागपुर के नौ पटवार वृत्तों के सम्पूर्ण क्षेत्रों को अपवर्जित करके जिला कांगड़ा, हिमाचल प्रदेश में उप-मण्डल (नागरिक), रक्कड़ के नाम से ज्ञात एक नए उप-मण्डल (नागरिक) का सृजन किया जाए, ताकि नजदीक के गांवों के सम्बद्ध लोगों को बेहतर सेवाएं उपलब्ध करवाई जा सकें और जिससे उन्हें होने वाली असुविधा से निवारित किया जा सके तथा बेहतर प्रशासनिक नियन्त्रण हो सके।

अतः हिमाचल प्रदेश के राज्यपाल, दण्ड प्रक्रिया संहिता, 1973 की धारा 7 की उपधारा (3) के साथ पठित हिमाचल प्रदेश भू-राजस्व अधिनियम, 1954 (1954 का अधिनियम संख्यांक 6) की धारा 6 और रजिस्ट्रीकरण अधिनियम, 1908 (1908 का अधिनियम संख्यांक 16) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश उच्च न्यायालय के परामर्श से, उप-मण्डल (नागरिक), देहरा से तहसील रक्कड़ के तेरह पटवार वृत्तों और उप-तहसील, प्रागपुर के नौ पटवार वृत्तों के सम्पूर्ण क्षेत्रों को अपवर्जित करते हैं और जिला कांगड़ा, हिमाचल प्रदेश में एक नए उप-मण्डल (नागरिक) रक्कड़, जिसका मुख्यालय रक्कड़ में होगा, का तुरन्त प्रभाव से सृजन करते हैं, जिसमें निम्नलिखित पटवार वृत्त समाविष्ट होंगे :—

उप-मण्डल का नाम	जिला	मुख्यालय	तहसील/उप तहसील का नाम	सम्मिलित पटवार वृत्त	उप-मण्डल का नाम जिससे अपवर्जित किए गए हैं
रक्कड़	कांगड़ा	रक्कड़	रक्कड़	रक्कड़	देहरा
			—यथोपरि—	खरोटी	—यथोपरि—
			—यथोपरि—	कलोहा	—यथोपरि—
			—यथोपरि—	सलेटी	—यथोपरि—
			—यथोपरि—	कुड़ना	—यथोपरि—
			—यथोपरि—	भरोली जदीद	—यथोपरि—
			—यथोपरि—	चपलाह	—यथोपरि—
			—यथोपरि—	चौली	—यथोपरि—
			—यथोपरि—	कुहना	—यथोपरि—
			—यथोपरि—	कौलापुर	—यथोपरि—
			—यथोपरि—	अलोह	—यथोपरि—
			—यथोपरि—	शांतला	—यथोपरि—
			—यथोपरि—	निहारी	—यथोपरि—
			प्रागपुर	प्रागपुर	—यथोपरि—

			—यथोपरि—	गढ़	—यथोपरि—
			—यथोपरि—	बणी	—यथोपरि—
			—यथोपरि—	गरली	—यथोपरि—
			—यथोपरि—	नाहन नगरोटा	—यथोपरि—
			—यथोपरि—	चम्बा	—यथोपरि—
			—यथोपरि—	बलियाणा	—यथोपरि—
			—यथोपरि—	नलसूहा	—यथोपरि—
			—यथोपरि—	सेहरी	—यथोपरि—

आदेश द्वारा,
हस्ताक्षरित / —
(आर. डी. धीमान),
मुख्य सचिव।

[Authoritative English text of this Department Notification No. GAD-B(A)1-5/2022 Dated 27-09-2022 as required under clause (3) of Article 348 of the Constitution of India].

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

Shimla-2, the 27th September, 2022

No. GAD-B(A)1-5/2022.—WHEREAS, the Governor of Himachal Pradesh is of the opinion that it is necessary and expedient in the public interest to do so, that a new Sub-Division (Civil) to be known as Sub-Division (Civil) Rakkar in District Kangra, Himachal Pradesh may be created by excluding the entire area of Tehsil Rakkar having 13 Patwar Circles and 9 Patwar Circles of Sub-Tehsil Pragpur of Sub-Division (Civil) Dehra to provide better services to the concerned people of nearby villages and to avoid inconvenience being faced by them and to have better administrative control.

NOW, THEREFORE, in exercise of the powers conferred by section 6 of the Himachal Pradesh Land Revenue Act, 1954 (Act No. 6 of 1954) and section 5 of the Registration Act, 1908 (Act No. 16 of 1908) read with sub-section (3) of section 7 of the Code of Criminal Procedure, 1973, the Governor of Himachal Pradesh, in consultation with the High Court of Himachal Pradesh, is pleased to exclude the entire area of 13 Patwar Circles of Tehsil Rakkar and 9 Patwar Circles of Sub-Tehsil Pragpur of Sub-Division (Civil) Dehra and to create a new Sub-Division (Civil) Rakkar with its headquarter at Rakkar in District Kangra, Himachal Pradesh, which shall consist of the following Patwar Circles with immediate effect :—

Name of Sub-Division	District	Head-quarter	Name of Tehsil/Sub-Tehsil	Patwar Circles Included	Name of Sub.-Div. from where excluded
Rakkar	Kangra	Rakkar	Rakkar	Rakkar	Dehra
			-do-	Kharoti	-do-
			-do-	Kaloha	-do-
			-do-	Saleti	-do-

			-do-	Kurna	-do-
			-do-	Bharoli Jadid	-do-
			-do-	Chaplah	-do-
			-do-	Chouli	-do-
			-do-	Kuhna	-do-
			-do-	Kaulapur	-do-
			-do-	Aloh	-do-
			-do-	Shantla	-do-
			-do-	Nihari	-do-
			Pragpur	Pragpur	-do-
			-do-	Garh	-do-
			-do-	Bani	-do-
			-do-	Garli	-do-
			-do-	Nahan Nagrota	-do-
			-do-	Chamba	-do-
			-do-	Baliana	-do-
			-do-	Nalsuha	-do-
			-do-	Sehri	-do-

By order,
Sd/-
(R.D. DHIMAN),
Chief Secretary.

सामान्य प्रशासन विभाग
अनुभाग—ख

अधिसूचना

शिमला—2, 27 सितम्बर, 2022

संख्या: जीएडी—बी(ए) 1—6/2022.—हिमाचल प्रदेश के राज्यपाल की राय है कि लोकहित में ऐसा करना आवश्यक और समीचीन है कि उप—मण्डल (नागरिक) देहरा से जसवां कोटला तहसील के दस पटवार वृत्तों और तहसील डाडासीबा के ग्यारह पटवार वृत्तों के सम्पूर्ण क्षेत्रों को अपवर्जित करके जिला कांगड़ा, हिमाचल प्रदेश में उप—मण्डल (नागरिक), कोटला बेहड़ के नाम से ज्ञात एक नए उप—मण्डल (नागरिक) का सृजन किया जाए, ताकि नजदीक के गांवों के सम्बद्ध लोगों को बेहतर सेवाएं उपलब्ध करवाई जा सकें और जिससे उन्हें होने वाली असुविधा से निवारित किया जा सके तथा बेहतर प्रशासनिक नियन्त्रण हो सके।

अतः हिमाचल प्रदेश के राज्यपाल, दण्ड प्रक्रिया संहिता, 1973 की धारा 7 की उपधारा (3) के साथ पठित हिमाचल प्रदेश भू—राजस्व अधिनियम, 1954 (1954 का अधिनियम संख्यांक 6) की धारा 6 और रजिस्ट्रीकरण अधिनियम, 1908 (1908 का अधिनियम संख्यांक 16) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश उच्च न्यायालय के परामर्श से, उप—मण्डल (नागरिक), देहरा से तहसील जसवां कोटला के दस पटवार वृत्तों और तहसील डाडासीबा के ग्यारह पटवार वृत्तों के सम्पूर्ण क्षेत्रों को अपवर्जित करते हैं और जिला कांगड़ा, हिमाचल प्रदेश में एक नए उप—मण्डल (नागरिक) कोटला बेहड़, जिसका मुख्यालय कोटला बेहड़ में होगा, का तुरन्त प्रभाव से सृजन करते हैं, जिसमें निम्नलिखित पटवार वृत्त समाविष्ट होंगे :—

उप-मण्डल का नाम	जिला	मुख्यालय	तहसील/उप-तहसील का नाम	सम्मिलित पटवार वृत्त	उप-मण्डल का नाम जिससे अपवर्जित किए गए हैं
कोटला बेहड़	कांगड़ा	कोटला बेहड़	जसवां कोटला	कोटला	देहरा
			—यथोपरि—	काहनपुर	—यथोपरि—
			—यथोपरि—	पपलोथर	—यथोपरि—
			—यथोपरि—	न्याड़	—यथोपरि—
			—यथोपरि—	स्वाणा	—यथोपरि—
			—यथोपरि—	जण्डौर	—यथोपरि—
			—यथोपरि—	अमरोह	—यथोपरि—
			—यथोपरि—	घाटी	—यथोपरि—
			—यथोपरि—	बाड़ी	—यथोपरि—
			—यथोपरि—	मलोट	—यथोपरि—
			डाडासीबा	डाडा	—यथोपरि—
			—यथोपरि—	कस्वा	—यथोपरि—
			—यथोपरि—	सीबा	—यथोपरि—
			—यथोपरि—	पंजल	—यथोपरि—
			—यथोपरि—	लग	—यथोपरि—
			—यथोपरि—	जखधार	—यथोपरि—
			—यथोपरि—	चनौर	—यथोपरि—
			—यथोपरि—	वैह	—यथोपरि—
			—यथोपरि—	जम्बल	—यथोपरि—
			—यथोपरि—	दोदरा	—यथोपरि—
			—यथोपरि—	शामनगर	—यथोपरि—

आदेश द्वारा,
हस्ताक्षरित / —
(आर. डी. धीमान),
मुख्य सचिव।

[Authoritative English text of this Department Notification No. GAD-B(A)1-6/2022 Dated 27-09-2022 as required under clause (3) of Article 348 of the Constitution of India].

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

Shimla-2, the 27th September, 2022

No. GAD-B(A)1-6/2022.—WHEREAS, the Governor of Himachal Pradesh is of the opinion that it is necessary and expedient in the public interest to do so, that a new Sub-Division (Civil) to be known as Sub-Division (Civil) Kotla Behar in District Kangra, Himachal Pradesh may

be created by excluding the entire area of Tehsil Jaswan Kotla having 10 Patwar Circles and 11 Patwar Circles of Tehsil Dadasiba of Sub-Division (Civil) Dehra to provide better services to the concerned people of nearby villages and to avoid inconvenience being faced by them and to have better administrative control.

NOW, THEREFORE, in exercise of the powers conferred by section 6 of the Himachal Pradesh Land Revenue Act, 1954 (Act No. 6 of 1954) and section 5 of the Registration Act, 1908 (Act No. 16 of 1908) read with sub-section (3) of section 7 of the Code of Criminal Procedure, 1973, the Governor of Himachal Pradesh, in consultation with the High Court of Himachal Pradesh, is pleased to exclude the entire area of 10 Patwar Circles of Tehsil Jaswan Kotla and 11 Patwar Circles of Tehsil Dadasiba of Sub-Division (Civil) Dehra and to create a new Sub-Division (Civil) Kotla Behar with its headquarter at Kotla Behar in District Kangra, Himachal Pradesh, which shall consist of the following Patwar Circles with immediate effect :—

Name of Sub-Division	District	Head-quarter	Name of Tehsil/ Sub-Tehsil	Patwar Circles Included	Name of Sub. Div. from where excluded
Kotla Behar	Kangra	Kotla Behar	Jaswan Kotla	Kotla	Dehra
			-do-	Kahanpur	
			-do-	Paplothar	
			-do-	Niar	
			-do-	Swana	
			-do-	Jandour	
			-do-	Amroh	
			-do-	Ghati	
			-do-	Bari	
			-do-	Malot	
			Dadasiba	Dada	
			-do-	Kaswa	
			-do-	Siba	
			-do-	Panjal	
			-do-	Lag	
			-do-	Jakhdhar	
			-do-	Chanour	
			-do-	Beh	
			-do-	Jambal	
			-do-	Dodra	
			-do-	Shamnagar	

By order,
Sd/-
(R.D. DHIMAN)
Chief Secretary.

URBAN DEVELOPMENT DEPARTMENT

NOTIFICATION

Shimla-2, the, 21st September, 2022

No. UD-F(5)-4/2018.—In continuation to this department, Notifications of even No. dated 06.11.2020 and 04-07-2022 the Governor, Himachal Pradesh is pleased to frame detailed guidelines for the scheme "Atal Shrestha Shahar Yojna (ASSY)" as Annexure- A. The Scheme aims to reward and incentivize the best performing Urban Local Bodies (Municipal Corporation/Municipal Council/Nagar Panchayat) on the indicators of sanitations/cleanliness, increase in income, public services delivery, construction regulations, fund utilization, public infrastructure and official work.

By order,

DEVESH KUMAR,
Principal Secretary (UD).

ANNEXURE-A

Atal Shrestha Shahar Yojna (ASSY)**1. Introduction:**

Urban areas are often called the 'engines of growth'. The number of urban areas has been growing across the State and the existing urban areas have been witnessing growth in population. It is the responsibility of the State to provide various facilities to people residing in urban areas. Urban Local Bodies (ULBs) provide an essential link between the State Government and the urban population. ULBs provide number of basic services to the urban population like sanitation, parks, roads, garbage collection, streetlights etc. as a result of which the role that ULBs play in the quality of life of people is substantial. A better and clean environment is *sine qua non* of healthy living. In order to raise the standard of services being provided to the people by the ULBs, it is essential to foster competitive spirit among various ULB so that they strive to provide better services to the urban populace of the State. In pursuance of this initiative, the State Government had introduced "Atal Shrestha Shahar Yojna" (ASSY) with effect from 1st April, 2018 to select the best Municipal Council and best Nagar Panchayat. In the budget speech for the year 2020-21 the Hon'ble Chief Minister of H.P. has enlarged the scope of "Atal Shrestha Shahar Yojna" to cover top three (3) Municipal Councils and top three (3) Nagar Panchayats to compete for the Puruskar. The Government has started this scheme to encourage Urban Local Bodies (ULBs) under which the best performing (3) Municipal Councils and three (3) Nagar Panchyats are given cash rewards. Now in the budget speech for the year; 2022-23, the Hon'ble Chief Minister has extended this scheme to cover the M.Corp. also. By covering the Municipal Corporations, the scope of the scheme has now been extended to cover all ULBs on the indicators based upon Swachh Survekshan (year to year basis), public service delivery, increase in ULB income, fund utilisation, public infrastructure and Audit Paras settlement and audited account. The top performing (1) Municipal Corporation, (3) Municipal Councils and (3) Nagar Panchyats will be felicitated with "Atal Shrestha Shahar Puruskar" on 25th December of every year on the birth anniversary of Late Sh. Atal Bihari Vajpayee (former Prime Minister of India) or any other date as decided by the Government.

2. Eligibility Criteria:

- I. The scheme is applicable to all the Urban Local Bodies (ULBs) in the State.
- II. It is mandatory for all the ULBs of the state to participate in the scheme.
- III. There will be no bar on any ULB to participate in the scheme even if it has won ASSY prize in the preceding year(s).
- IV. Any ULB making a false claim will be penalized suitably by deduction of its grant and disciplinary action would be initiated.

3. Indicator for Assessment:

The top performing ULBs will be selected on the basis of their performance on various indicators as given below.

Sl. No.	Parameter	Indicators	Max Score
1	Swachh Survekshan Parameter	1. Swachh Survekshan	As fixed by GoI on year to year basis.
2	State Parameter	1. Public Service Delivery	1500
		2. Increase in Income	2000
		3. Fund Utilisation	1500
		4. Public Infrastructure	500
		5. Audit Paras settlement and audited account	1000

The ULBs will be ranked on the basis of score obtained in Swachh Survekshan of the preceding year and score obtained in other five (5) State Parameters. The format for self-assessment of ULBs on which claim is to be made by the ULBs is given at **Annexure-A**. There will be an online platform on which information will be submitted by the ULBs on or before the fixed date of the submission every year.

Note:

- The first parameter i.e. Swachh Survekshan will be evaluated as per **Swachh Survekshan** criteria fixed by GoI on year to year basis.
- Marks obtained by ULB in the assessment made by GoI in Swachh Survekshan of previous year will be taken into account for inclusion every year.

4. Incentive Pattern:

The incentive pattern to ASSY prize winners i.e. Municipal Corporation, Municipal Council and Nagar Panchayat will be as under:

Prize	Municipal Corporation (Rs.)	Municipal Council (Rs.)	Nagar Panchayat (Rs.)
1st Prize	1,25,00,000	1,00,00,000	75,00,000
2nd Prize	-	75,00,000	50,00,000
3rd Prize	-	50,00,000	25,00,000

Note:— In case of tie for a particular position, the prize money will be distributed equally amongst equal scoring ULBs.

5. Spending of Award Money:

- I. The award money shall be given to the winning ULBs as an un-tied grant.
- II. The award money shall not form part of income of the ULBs.
- III. The award money will not be spent on payment of salaries/wages etc. of the ULBs employee.
- IV. The winning ULB may formulate a scheme to reward its employee(s) for their outstanding contribution in performance of ULB or for his/her contribution towards a particular category/indicator. The scheme may contain a prize of up to Rs. 5,000/- (Rupees Five Thousand Only). One employee can be considered for prize under one or more category/indicator but the maximum prize money for an individual shall not exceed Rs. 5,000/- irrespective of the number of categories for which he/she is being rewarded.

6. Screening Procedure:

- I. To apply for ASSY, ULBs will submit the claims online on the prescribed application form as per **Annexure-A** along with the necessary supporting documents where-ever required on or before **30th of September every year**.
- II. On the basis of claims submitted by ULBs a report will be generated by the online platform and the report so generated will be submitted to the authorities for approval of field verification.
- III. The field verification/inspection of top scoring two (2) Municipal Corporations, top six (6) Municipal Councils and top six (6) Nagar Panchayats will be made by the Third Party Agency.
- IV. To rectify any clerical mistake, Department will give additional time to ULBs for rectification.

7. Assessment Procedure:

- I. Field assessment/verification shall be done to verify the claims of top scoring ULBs by the “Third Party Agency”.
- II. Third Party Agency (TPA) will be hired by the Department for actual verification of claims at field level.
- III. TPA has the right to call for supporting documents/additional documents to verify the claim of any participating ULB.
- IV. It will be obligatory on the Third Party Agency that no information on this subject will be shared/disclosed anywhere.
- V. The Director, Urban Development reserves the right to call for any supporting/additional documents from TPA relating to inspected ULBs in case of any doubt.

VI. Based on the scrutiny of claims of ULBs by TPA, Director, Urban Development will recommend the names of the ULB(s) to the State Level Apex Committee for final approval.

VII. The final declaration/announcement of the winning Urban Local Bodies will be made by the **State Level Apex Committee** constituted for “Atal Shrestha Shahar Yojna” to be headed by Additional Chief Secretary/Pr. Secy./Secy. (UD) to the Government of Himachal Pradesh. The committee will have following as its members:

1.	Additional Chief Secretary/ Pr. Secy./ Secy. (Fin) to the Govt. of H.P.	Member
2.	Additional Chief Secretary/ Pr. Secy./ Secy. (Env. S& T) to the Govt. of H.P.	Member
3.	Director, TCP, H.P.	Member
4.	Director, UD, H.P.	Member Secretary

VIII. The decision made by the Apex committee will be deemed final and no appeal is admissible in this regard.

8. Fund Allocation:

Sl. No.	Component	Total Allocation (in Lacs)	Remarks
1.	Prize Distribution	500.00	Every year: Requirement for Each year
2.	A&OE Fund including Prize Distribution function	10.00	Every year: A&OE will be based on actual expenditure every year
3.	Third Party Agency (TPA)	15.00	Every year: TPA expenditure will be based on the quoted cost.
4.	Online Platform with Annual maintenance cost (AMC) for 5 years.	15.00	One time: Online platform cost Every year: AMC as per actuals
Total		540.00	

9. Timeline:

The competition shall take place every year and prize will be distributed to winning ULBs on 25th December every year on the birth anniversary of Late Sh. Atal Bihari Vajapyyee (former Prime Minister of India).

The activity timeline will be as under:—

Activity	Timeline
Submission of claims by ULBs	30th of September every year
Screening Process	20th of October every year
Field assessment/Verification by TPA	20th of November every year
Prize Distribution	25th December every year*

Note:— *Due to any circumstances, if the function could not be celebrated on above date the same can be held on other date as per decision of the Government.

ANNEXURE-A

Application form-cum-self assessment by ULBs for participating in Atal Shresth Shahar Yojna- Incentive scheme				
Name of applicant ULB				
Name of Executive Officer/Secretary of ULB				
Mobile No.				
Sl. No.	Evaluation parameter	Maximum marks	Self Assessment by the ULB	Marks awarded by Third party Agency
Swachh Survekshan Parameter				
1. Swachh Survekshan				
1.1	Marks obtained by ULB in the assessment made by GoI in Swachh Survekshan of previous year			
Sub-Total of the component				
State Parameter				

2. Public Service delivery

2.1	Information	A. PSG services to be provided in two (2) days.	Application received during last FY	Certificate issued within 2 days	Certificate issued after 2 days.
		Death			
		Birth			
		Marriage			
		B. PSG services to be provided in Seven (7) days.	Applications received during the last FY	Permission granted within 7 days	Permission granted after 7 days.
		Cannopy			
		Muck Dumping			
		BPL Certificate			
		Trade Licence			
		Movies shooting			

		C. PSG services to be provided in 15 days.	Applications received during the last FY	Permission granted within 15 days	Permission granted after 15 days.
		Road cutting permission			
		Signage license			
		Permission for storage of construction material.			
		Completion plan (After completion of building in all respect)			
		D. PSG services to be provided in 30 days.	No. of applications received during the last FY	NOC issued within 30 Days	NOC issued after 30 Days
		Electricity			
		Water Supply			
		Sewerage			
		Granting fresh building planning permission			
		Non prohibited food article license			
	Marking Criteria	Services provided as per PSG, Act			
		A. Death, birth and marriage certificates	300		
		Scheme of Marking			
		90 to 100% Certificates issued within Two days.			
		B. Permission for canopy, muck dumping, BPL Certificate, Trade Licence and Movies shooting	300		
		Scheme of Marking			
		90 to 100% Permission granted within 7 days			
		C. Permission for Road cutting permission, Signage licence, storage of construction material and Completion plan.	300		
		Scheme of Marking			
		90 to 100% NOC issued within 15 Days			
		D. NOC to provide electricity, water supply, sewerage fresh building planning permission and Non prohibited food article licence.	300		
		Scheme of Marking			
		90 to 100% NOC issued within 30 Days			

2.2	Information	Total Number of complaints received through CM Sewa Sankalp during the last FY					
		No. of Complains resolved/disposed.					
	Marking Criteria	Disposal of complaints through CM Sewa Sankalp		300			
		Scheme of Marking					Marks
		91% to 100% or no complaint					300
		81% to 90%					200
		71% to 80%					100
		61% to 70%					50
		Up to 60%					0
Sub-Total of the component				1500			

3. Increase in ULB own income (i.e. Property Tax, user charges, rent and Income from other sources) during last FY.

3.1	Information	Description	A. Property Tax	B. Garbage Fee	C. Rent recovery of properties		
		Amount assessed (in Rs) during the last FY					
		Recovery made against the assessed amount during last FY (in Rs).					
		Recovery in percentage (%)					
	Marking Criteria	A. Property Tax Collection (Against Demand)			800		
		Scheme of Marking		Marks			
		95% to 100%		800			
		90% to 95%		700			
		85% to 90%		600			
		80% to 85%		500			
		75% to 80%		400			
		70% to 75%		300			
		65% to 70%		200			
		60% to 65%		100			
		Below 60%		0			
		B. Garbage Fee/Charges			500		
		Scheme of Marking		Marks			
		90% to 100%		500			
		80% to 90%		400			
		70% to 80%		300			

		60% to 70%	200								
		50% to 60%	100								
		Below 50 %	0								
		C. Rent Recovery			400						
		Scheme of Marking		Marks							
		90% to 100%	400								
		80% to 90%	300								
		70% to 80%	200								
		60% to 70%	100								
		50% to 60%	50								
		Below 50 %	0								
		3.2	Information	ULBs total own income preceding to the last financial year.							
				ULBs total own income during the last financial year							
Percentage (%) increase/decrease											
In case of increase, steps/best practices/innovation adopted (Brief description along with supporting documents may be attached)											
Marking Criteria	Enhancement in ULBs own revenue attributable to innovative practice.		300								
	Scheme of Marking					Marks					
	> 100 %					300					
	76% to 100%					250					
	51% to 75%					200					
	26% to 50%					150					
	1 % to 25%	100									
Sub-Total of the component				2000							

**4. Fund utilization in respect of fund provided during preceding the last FY
(Centrally/State Sponsored Schemes)**

4.1	Information	A. Scheme Name	Total Funds received preceding to the last F.Y.	Funds utilized till 31st March of last F.Y.	UC Submitted (Amount in Rs.)
		15th Finance Commission: tied Grant			
		15th Finance Commission: un-tied Grant			

		State Finance Commission Grant			
		SBM/SBM 2.0			
		DAY-NULM			
		PMAY-HFA			
		AMRUT/AMRUT 2.0			
		Parking			
		Capital Assets			
		ULBs Roads			
		MMSAGY			
		Total			
Marking Criteria	Fund utilization		1000		
	Scheme of Marking	Marks			
	91% to 100%	1000			
	81% to 90%	800			
	71% to 80%	600			
	61% to 70%	400			
	51% to 60%	200			
	Up to 50%	0			
	Utilisation Certificate submitted		500		
	Scheme of Marking	Marks			
	91% to 100%	500			
	81% to 90%	400			
	71% to 80%	300			
	61% to 70%	200			
	51% to 60%	100			
	Up to 50%	0			
Sub-Total of the component			1500		

5. Public Infrastructure:

Mukhya Mantri Shahri Ajeevika Guarantee Yojna (MMSAGY)

5.1	Information	A. Number of beneficiaries registered					
		B. No. of man-days generated					
		C. Wages payments done (Note: Wages rates may increase/decrease as per the decision of the Govt.)					
	Marking Criteria	A. Number of beneficiaries registered		50			
		Scheme of Marking Range					
		Marks					
		0-0					
		0					
		01-10					
		15					
		11-50					
		25					
		51-100					
		35					
		> 100					
		50					
		B. No. of man-days generated		100			
		Scheme of Marking Range					
		Marks					
		0-0					
		0					
		1-50					
		25					
		51-100					
		50					
		101-200					
		75					
> 200							
100							
C. Wages payments done		100					
Scheme of Marking Range							
Marks							
0-0							
0							
350-1750							
25							
2100-35000							
50							
35350-70000							
75							
> 70000							
100							
5.2	Information	Number of Parking sanctioned during last F.Y.					
		Stage of construction (Note: No marks will be given in case of non sanction or on-going works)		Complete			On-going
	Marking Criteria	Construction of Parking		250			
		Scheme of Marking					
		Marks					
		91% to 100%					
		250					
		81% to 90%					
		200					
		71% to 80%					
		150					
		61% to 70%					
		100					
		51% to 60%					
		50					
		0 to 50 %					
		0					

Sub-Total of the component	500		
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6. Audit Paras settled and audited accounts

6.1	Information	Number of ‘Audit Para(s)’ of Accountant General H.P. pending for the last five (5) years (excluding the current F.Y.)							
		No. of ‘Audit Para(s)’ settled till 31st March of last F.Y.							
	Marking Criteria	Audit paras settled				400			
		Scheme of Marking			Marks				
		91% to 100% (or No paras)			400				
		81% to 90%			350				
		71% to 80%			300				
		61% to 70%			200				
		51% to 60%			100				
0 to 50 %			0						

6.2	Information	Annual Accounts of Central and State Finance Commission (✓ Tick Mark)										
		Particular			Online availability of audited accounts preceding to the last financial year			Online availability of un-audited accounts till 31st March of last financial year				
		15 Finance Commission-tied Grants			Yes		No		Yes		No	
		15 Finance Commission-untied Grants			Yes		No		Yes		No	
		State Finance Commission Grant			Yes		No		Yes		No	
	Marking Criteria	Online availability of audited accounts: If yes, full marks may be given and if no Zero (0) marks may be given:				100						
		Scheme of Marking (15 Finance Commission-tied Grants)			Marks							
		Yes			100							
		No			0							
		Scheme of Marking (15 Finance Commission-untied Grants)			Marks	100						
		Yes			100							
		No			0							
		Scheme of Marking (State Finance Commission Grant)			Marks							
		Yes			100	100						
		No			0							

	Online availability of un-audited accounts: If yes, full marks may be given and if no Zero (0) marks may be given:		100		
	Scheme of Marking (15 Finance Commission-tied Grants)	Marks			
	Yes	100			
	No	0			
	Scheme of Marking (15 Finance Commission-untied Grants)	Marks	100		
	Yes	100			
	No	0			
	Scheme of Marking (State Finance Commission Grant)	Marks	100		
	Yes	100			
	No	0			
Sub-Total of the component			1000		
Total . .					

CHANGE OF NAME

I, Suresh Kumar s/o Sh. Amar Singh, r/o Village Kandla, P.O. Surangani, Tehsil Salooni, District Chamba (H.P.) have changed my name from Suresh Kumar Singh to Suresh Kumar. All concerned may note please.

SURESH KUMAR,
s/o Sh. Amar Singh,
r/o Village Kandla, P.O. Surangani,
Tehsil Salooni, District Chamba (H.P.).